



CASE DM7029 NP

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Briana C. Buchholz  
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*Briana C. Buchholz*  
Signature

November 27, 2002  
Date

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF

Art Unit: 1647

BROWN ET AL.

APPLICATION NO: 09/454,868

FILED: DECEMBER 3, 1999

FOR: USE OF THE KCNQ2 AND KCNQ3 GENES FOR THE DISCOVERY  
OF AGENTS USEFUL IN THE TREATMENT OF NEUROLOGICAL  
DISORDERS

Assistant Commissioner for Patents  
Washington, D.C. 20231

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RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In reply to the Office Action dated September 30, 2002, requesting an election of one invention to prosecute in the above-referenced patent application, Applicants hereby provisionally elect, with traverse, to prosecute the invention of Group II, claims 23-24. This election is made without prejudice to or disclaimer of the other claims or inventions disclosed. Applicants reserve the right to file one or more continuation applications to the non-elected subject matter.

It is respectfully requested that the Group II claims be examined in conjunction with the Group I claims, 1-22 drawn to a method of evaluating a compound for utility in treating neurological disease, classified in class 424, subclass 93.1. Applicants submit that the search for art poses no undue burden on the Examiner, since a search for art for the Group II claims would include a search for art for the assay of the Group I claims.

Applicants respectfully request that the claims of Group I and Group II be rejoined for examination in the present application. Reconsideration of the restriction requirement is respectfully requested.

If the Examiner wishes to discuss this reply or any aspect of this case, he is invited to contact the undersigned attorney.

No fee is believed due for this response. However, should any fee(s) be deemed to be required in this application, the Commissioner is hereby authorized to charge any such fee(s), or credit any overpayment, to Account No. 19-3880 in the name of Bristol-Myers Squibb Company.

Respectfully submitted,



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Date: November 27, 2002